

JUL 19 2005

FILED
U.S. DISTRICT COURT U.S. DISTRICT COURT

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DISTRICT OF UTAH

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International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counterclaim-Plaintiff.

~~PROPOSED~~

**ORDER LIMITING SCOPE OF IBM's
NINTH COUNTERCLAIM**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

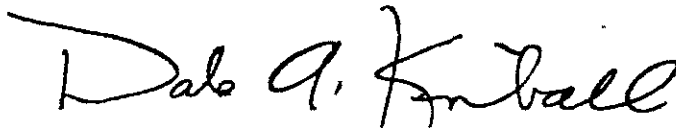
Magistrate Judge Brooke C. Wells

Based upon Defendant/Counterclaim Plaintiff International Business Machines Corporation's ("IBM's") Motion for Entry of Order Limiting Scope of IBM's Ninth Counterclaim, and for good cause appearing,

IT IS HEREBY ORDERED that IBM's Ninth Counterclaim is limited to seeking a declaration that IBM has not infringed SCO's alleged copyrights based on alleged breaches of license agreements with AT&T and SCO's purported termination of those licenses.

DATED this 1st day of August, 2005.

BY THE COURT

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written with a large, sweeping "D". The middle initial "A." is written in a smaller, more compact script. The last name "Kimball" is written with a large, sweeping "K" and a long, trailing "l".

U.S. District Court Judge
Dale A. Kimball

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July, 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

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